


MAY 23 2003

ROBERT L. SHERWELL, CLERK
BY  DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

IBERIA CREDIT BUREAU, INC.,
d/b/a Information Services
WARDELL X. GERHARDT,
ALFRED J. THERIOT,
CONSTANCE WHITE LOUVIERE,
ELLIOTT JOLIET,
CHARLES LANDRY,
CLAUDIA VICTORIA FONTENOT,
THERIOT CONSTRUCTION, INC.

CIVIL NO. 01CV2148

Plaintiffs

VS.

JUDGE LEMELLE

CINGULAR WIRELESS, LLC,
f/k/a Bell South Mobility, LLC,
a/k/a Cingular/Bellsouth,
TELECOP COMMUNICATIONS, INC.,
a/k/a Suncom
MAGIC VIDEO, INC.
WIRELESS COMMUNICATIONS, INC.,
a/k/a Cajun Wireless New Iberia
a/k/a Cajun Wireless
JS CELLULAR & BEEPERS, LLC,
IBERIA CELLULAR TELEPHONE CO., LLC.,
d/b/a Centennial Wireless,
SPRINT SPECTRUM CO.

MAGISTRATE JUDGE METHVIN

Defendants

STATE OF LOUISIANA,
Intervener

MINUTES OF COURT:
Oral Argument on Motions

Date: May23, 2003
Court Opened: 9:30 a.m.
Court Adjourned: 12:25 p.m.

Presiding: Ivan L.R. Lemelle, United States District Judge
Minute Clerk: Christine Guidry
Court Reporter: Cathy Marquardt

APPEARANCES

PARTY

Iberia Credit Bureau, Inc., as plaintiff

ATTORNEY

Joseph R. Joy III
Elizabeth C. Dougherty
James Robert Davis, Jr.
Theodore Haik, Jr.
Kenneth Wall
Calvin Fayard, Jr.

260

Cingular Wireless LLC, as defendants

**Gary J. Russo
Seamus Duffy
William Connolly**

Telecorp Communications, Inc., as defendant

**Kelly Noonan
Joseph E. Leblanc, Jr.**

Iberia Cellular Telephone Co. LLC, as defendant

Mark A. Balkin

Sprint Spectrum Co., LP

John Olinde

State of Louisiana, Intervener

Isabel Wingerter

PROCEEDINGS:

Oral Argument was held this date, May 23, 2003 on the following Motions:

Motion by Iberia Cellular Telephone Company, L.L.C's for Summary Judgment (Rec. Doc. 104)

Motion by TeleCorp Communications Inc. for Partial Summary Judgment (Rec. Doc. 111)

Motion by Cingular Wire LLC to Sever (Rec. Doc. 163)

Motion by Sprint Spectrum L.P. for Separate Trial (Rec. Doc. 172)

Motion by Sprint Spectrum L.P. for Partial Summary Judgment (Rec. Doc. 173)

Motion by Cingular Wire L.L.C. and BellSouth Mobility L.L.C. for Partial Summary Judgment (Rec. Doc. 175)

Motion by Sprint Spectrum L.P. to Compel Arbitration as to all claims by Charles V. Landry and to Dismiss this Action or to Stay Proceedings (Rec. Doc. 214)

Motion by Cingular Wire L.L.C. to Compel Arbitration with respect to Plaintiffs Iberia Credit Bureau Inc., Wardell X. Gerhardt and Constance White Louviere and to Stay Litigation with respect to Iberia Credit Bureau Inc., Wardell X. Gerhardt and Constance White Louviere (Rec. Doc. 219)

Motion by Centennial Cellular L.L.C. to Compel Arbitration for Claims of Sheriff Sid Hebert and to Stay these Proceedings (Rec. Doc. 228)

Motion by State of Louisiana to Intervene (Rec. Doc. 238)

Motion by Iberia Credit Bureau, Wardell X. Gerhardt, Alfred J. Theriot, Constance White Louviere, Elliott Joliet, Charles, V. Landry, Claudia Victoria Fontonet, Al Theriot Const, Inc., Sid Hebert, for Leave to File Supplemental Motion for Summary Judgment (Rec. Doc. 250)

Motion by Cingular for Leave to File Reply Memorandum in support of Motion to Compel (Rec. Doc. 256)

The Motion by Iberia Credit Bureau, Wardell X. Gerhardt, Alfred J. Theriot, Constance White Louviere, Elliott Joliet, Charles, V. Landry, Claudia Victoria Fontonet, Al Theriot Const, Inc., Sid Hebert, for Leave to File Supplemental Motion for Summary Judgment (Rec. Doc. 250) and the Motion by Cingular for Leave to File Reply Memorandum in support of Motion to Compel (Rec. Doc. 256) are **GRANTED**.

Upon conclusion of oral argument the court finds that the Motion by Cingular Wire LLC to Sever (Rec. Doc. 163) and the Motion by Sprint Spectrum L.P. for Separate Trial (Rec. Doc. 172) are **DENIED** as premature.

The court finds that the Motion by Iberia Cellular Telephone Company, L.L.C's for Summary Judgment (Rec. Doc. 104), Motion by TeleCorp Communications Inc. for Partial Summary Judgment (Rec. Doc. 111), Motion by Sprint Spectrum L.P. for Partial Summary Judgment (Rec. Doc. 173), Motion by Cingular Wire L.L.C. and BellSouth Mobility L.L.C. for Partial Summary Judgment (Rec. Doc. 175), Motion by Sprint Spectrum L.P. to Compel Arbitration as to all claims by Charles V. Landry and to Dismiss this Action or to Stay Proceedings (Rec. Doc. 214), Motion by Cingular Wire L.L.C. to Compel Arbitration with respect to Plaintiffs Iberia Credit Bureau Inc., Wardell X. Gerhardt and Constance White Louviere and to Stay Litigation with respect to Iberia Credit Bureau Inc., Wardell X. Gerhardt and Constance White Louviere (Rec. Doc. 219), Motion by Centennial Cellular L.L.C. to Compel Arbitration for Claims of Sheriff Sid Hebert and to Stay these Proceedings (Rec. Doc. 228) are **DENIED** and premature. The parties may re-urge their Motions for Summary Judgment at a later date.

The Motion by State of Louisiana to Intervene (Rec. Doc. 238) is **GRANTED**.

The parties are encouraged to submit the original contracts which are to be filed into the record. Said documents are not filed under seal but shall be placed in a folder to protect the delicate papers.

The parties shall on, or before June 5, 2003, file their interlocutory appeal. No extension will be granted.

COPY SENT:

DATE: 5/28/03

BY: NB

TO: Daib

<u>for</u>	<u>Wheeler</u>
<u>Sayard</u>	<u>Leblanc</u>
<u>Oliver</u>	<u>Noonan</u>
<u>Dougherty</u>	<u>Chautin</u>
<u>Wall</u>	<u>Balkin</u>
<u>Davis</u>	<u>Wungert</u>
<u>Russo</u>	
<u>Bergin</u>	
<u>Huffy</u>	
<u>Connelly</u>	